

PICKLER SAYS MAYOR DRANK FIVE ROUNDS

FORMER OFFICIAL'S TESTIMONY
IS DAMAGING IN THE CASE OF
CHIEF EXECUTIVE BEING TRIED
FOR MALADMINISTRATION.

M'NETT'S MOTION
OVERRULED BY COURT

EFFORT TO STRIKE OUT PARAGRAPHS OF AMENDED PETITION FAIL WHEN COURT SAYS NO—MANY WITNESSES.

The testimony of ex-Mayor T. H. Pickler that Mayor Phillips in company with Claude Myers visited the saloon of W. W. Webster & Co. on South Market street April 30 and partook of five rounds of "Old Taylor" whiskey, was perhaps the most damaging to the defendant brought out at the hearing today in the Phillips ouster proceedings. A victory of similar importance to that gained in the commencement of the trial yesterday when the defense won a favorable ruling in the case, was secured by the prosecution this morning when the court overruled a motion to strike made by the defense. A number were present during the hearing this morning and afternoon among whom all classes of citizens including members of the clergy were represented.

Old Taylor the Vintage.
T. H. Pickler, former mayor of the city was the first witness. He stated he had known the defendant for the past twenty-five years. Asked by Senator Cosson if he had ever seen the defendant intoxicated during the present term of his office, he met an objection by Judge Mitchell. The question was altered and in reply the witness said that he had seen the mayor intoxicated April 30 in the saloon of W. W. Webster & Co. on South Market street. When asked the nature of the drink and the number of drinks taken, Mr. Pickler said that five rounds of "Old Taylor" whiskey were drunk by the defendant, and witness and Claude Myers, who was with them.

Gray Enters on Third Round.
He stated that he was not sure whether it was Mr. Phillips or Myers who invited him into the saloon, as both came together from the direction in which Mr. Myers' store lay from the place where the witness stood.

"The third round of drinks was bought by me," said the witness, "and at that time John Gray came in. He was going by and I called him in to take a drink and join us. Gray bought a round of drinks and I bought another."

Don't Remember Particulars.
Asked if Phillips drank each time, the witness said he did, but did not know the quantity or pay any attention in that particular. When asked if he heard any disturbance, he stated that he heard Phillips say, "You're a liar, addressing Gray, and that Jo Jacques stepped in between them but that Phillips seemed to be insistent on getting to Gray. He stated that he, the witness, shoved Phillips across the room and talked with him to quiet him, and that he tried to persuade him to go home. "The defendant soon became more quiet," said Mr. Pickler, "and when asked to go home in a cab he refused." Later when asked what was said by Gray to Phillips, he stated that he heard Gray say something about supporting Phillips during two campaigns and Phillips said "you're a liar."

"Mayor Phillips," said Mr. Pickler, "struck at Gray and Gray caught his arm when I shoved him across the room."

When asked if he talked with the defendant about the matter afterward, the witness said he had and that the defendant stated to him that after some instance during the saloon trouble, just which he could not recall, he failed to remember what happened to him, and also that he did not know when he got home.

Goes Into Political History.
In the cross examination by Judge Mitchell, the political career of the witness was gone into and the relations with the defendant and with John Gray. The witness said that the defendant and he differed on some things but that they were friends so far as he knew. When asked by Judge Mitchell if he talked with John Gray after the incident in Webster's saloon, he said he had. He was then asked if John Gray did not tell him then that "I've waited for three years to get the chance and will get it now I have the chance and will get it now." To this the witness answered: "Not at that time." Later he qualified it by saying "I don't remember him saying that," and the same reply was made when asked if the witness had not heard Gray say that it was a last request of his brother James Gray that he (John) keep after Phillips until he would get him. The witness said he never heard such talk. As to what he knew of the bad feeling between the defendant and John Gray the witness said it was some political promises which were never carried out with regard to Gray, although the defendant was not accused by the witness for not doing his part. Mr. Pickler claimed he heard the promises made and stated that after the nomination of Phillips as mayor, he

with John Gray went to call upon him and there was told that the office wanted, that of chief of police or detective in plain clothes, was promised as far as Phillips had the power.

Prize Fight Blocked.
Asked if the stopping by the defendant and his chief of police of a prize fight that was promoted by Jim Gray to be held in the opera house, was not responsible for the animosity between the defendant and John Gray, the witness answered he did not know and that he knew practically nothing about the prize fight or whether it was advertised or not.

"All I knew about the feeling of Jim Gray and the defendant through the prize fight incident," said Mr. Pickler, "was when Jim Gray one evening in passing my home stopped and told me that the mayor had promised to let him pull the fight off and then withdrew his consent." The witness, continuing, said that Gray had told him he had gone to Davenport and arranged for the fight and lost a sum of money through the withdrawal and that he was very, very mad about it. Judge Mitchell asked him if the defendant in refusing to grant Jim Gray the right to put money slot machines in saloons, did not make bad feeling between the Grays and Phillips, the witness answered that the slot machines were taken out of the saloons before he left the office of mayor and did not know about the question which the counsel asked.

Speak Right Up.
Returning again to the saloon incident Judge Mitchell asked the witness if he noticed at any other time on April 30 whether the defendant was under the influence of liquor and was told that during the afternoon he observed the defendant at which the Sheriff Jackson case was being discussed, some of the boys said "the old gentleman is feeling pretty good." When asked if he did not know Mr. Pickler to be a man of quick temper, the witness said "No." He stated however, that the defendant would speak his sentiments without fear. Asked if a man calling the defendant a drunkard would likely have a fight on his hands, the witness said that the defendant would speak up quick if he disagreed and tell his side of the question. He was asked if Gray was when he spoke to the witness after the saloon incident and the witness answered "yes."

Harry Shreeves and W. A. Whitney testified along similar lines as that given by Mr. Pickler. J. P. Spawhower stated that he had seen the mayor drunk about Christmas time near the Elk's building. W. H. Keating testified that he saw the defendant intoxicated on April 30 near the corner of Market and Second streets that the mayor was reeling from one side of the street to the other.

Court Overrules Motion.
Judge Willcockson arrived from Sigourney about 10 o'clock this morning and opened court at 10:30 o'clock. The first thing done was the offering by Attorney McNett for the defense, of a motion to strike from the amended petition of the prosecution several paragraphs on the grounds that they were not in keeping with the ruling of the court made yesterday, and they were too general and not specific the latter in particular as to time of happening. The section alluded to referred to Ren Lane's alleged agreement with the defendant, the paragraph pertaining to pool and billiard halls and houses of prostitution. The same general objection was made to all. To this Senator Cosson and Attorney J. Fletcher replied that the latter portion of the amended petition stated more specifically and covered the ruling of the court in the matter. The court overruled the motion to strike and Attorney McNett took exception to each particular paragraph touching upon his objection, the reporter making record of the same. In speaking for his objection Attorney McNett stated: "We do not want the petition to serve as a drag net large enough to catch a whale when but an eel is sought. We cannot make a defense for our client if so general a charge is made with no more specific statement to guide us. Senator Cosson said that his object in making the paragraphs as he objected to, was to permit the development of testimony that might be brought out later, although a specific knowledge of it does not now exist. The court assured the defense that as such matters came up the defendant would be given ample time to prepare a defense if it took an adjournment of court to provide it or consumed the entire vacation term.

Twenty-Three Witnesses.
The prosecutor has had subpoenas for twenty-three witnesses, was to whom, if not all, have been served the court papers and will be on hand to supply evidence in the hearing. The persons subpoenaed or for whom subpoenas have been issued are:

T. H. Pickler, Harry Shreeves, W. H. Keating, W. J. Crosby, W. A. Derby, E. F. Lowry, W. W. Jackson, Levi Jackson, Abe Jackson, O. L. Shadford, Ren Lane, L. L. Swenson, Lem Danner, Mr. and Mrs. Charles Gage, I. L. Spawhower, A. Whitney, Charles Kohl, J. M. Jones, Charles Allen, Lloyd L. Duke, Charles Chilton, J. W. Telfer.

The Amended Petition.
The amended petition complying with the ruling of the court yesterday afternoon, was filed this morning and follows:

IN THE DISTRICT COURT OF, IN, AND FOR WAPELLO CO., IOWA.

Amendment to Plaintiff's Petition.

State of Iowa, ex rel.

H. W. Byers, Atty Gen.,

vs.

T. J. Phillips.

Comes now the plaintiff in pursuance to the order of the court and makes his petition more specific and states:

1. That the defendant, T. J. Phillips, has wilfully and habitually neglected and refused to perform the duties of his office in this:

A. That the said T. J. Phillips as mayor and chief executive officer of the city of Ottumwa, Iowa, has permitted gambling and gambling houses to operate in the city of Ottumwa, Iowa.

B. That the said T. J. Phillips as mayor and chief executive officer of the city of Ottumwa has permitted pool and billiard halls to operate where minors were allowed to play at pool and other games and to remain in pool and billiard halls.

C. That the said defendant, T. J. Phillips, as chief executive officer of the city of Ottumwa, Iowa, has permitted disorderly bawdy and houses of

assignment to operate in the city of Ottumwa, Iowa.

2. The defendant, T. J. Phillips, has been guilty of corruption in office in this, that he entered into an agreement with one Ren Lane and other persons whose names are at this time to the petitioner unknown, whereby he authorized the said Ren Lane and other persons to gamble and operate gambling houses in the city of Ottumwa.

3. This plaintiff is unable to state the names of the saloons and the places where located which have operated after 10 o'clock at night or on election or legal holidays, or sold intoxicating liquors to minors and other prohibited persons.

4. That the defendant T. J. Phillips permitted one Ren Lane to operate a gambling house over the Corn Exchange on South Market street.

5. That the defendant T. J. Phillips permitted one George Wollett to operate a gambling house located over the Laclede hotel.

6. That the defendant T. J. Phillips permitted one John Crow to operate a gambling house, the exact location being at this time unknown to plaintiff.

That the defendant T. J. Phillips permitted divers and sundry other persons whose names at this time are unknown to the plaintiff to play at dice, cards and other games of chance in the city of Ottumwa, Iowa, the exact location of which and the exact time being unknown to the plaintiff.

7. That the defendant T. J. Phillips, permitted pool and billiard halls to be operated in the old Kaiser place on South Market street, where minors were allowed to resort for the purpose of playing pool and other games.

That the defendant T. J. Phillips permitted a pool and billiard hall to be operated at the Leighton building on South Market street, where minors were permitted to resort for the purpose of playing pool and other games.

8. That defendant T. J. Phillips permitted houses of ill fame to be operated by one Lill Dale in the Baker House on South Green street, Myrtle Warren at an unknown location, and sundry other disorderly houses and houses of ill fame in the city of Ottumwa, Iowa.

The Opening Statement.

Senator Cosson stated briefly as an opening address to the jury that the mayor as chief executive by statute and ordinance responsible and should know the situation under his administration and be aware of what is going on. Attorney McNett dealt with the past of Mr. Phillips, stating that the defendant had come to Iowa thirty years ago and had been in positions of trust most of that time. His opponent, "had not been very good, but having reached the position among men I know him to hold does not befit him as a bad man and a drunkard. I have known him for thirty years and saw him advance from humble positions to posts of responsibility. I never saw him intoxicated in all my acquaintance."

AGENCY.

Mr. and Mrs. Alt. Fair of Council Bluffs visited relatives here last week. Rev. J. W. Lambert of Burlington was transacting business in town on Monday.

Gus Nortgreen of Ottumwa has bought the Graham general store and has taken charge.

Charles Sands went to Chicago today with a car of fat steers.

Thy Young Men's Christian association had charge of the services at the M. E. church here Sunday evening.

Mr. Foster was moderator. Wm. Ramsel was the speaker. They were complimented by a male quartet. Considerable interest manifested.

Mrs. William Rouke went to Mount Pleasant Tuesday.

ELDON.

R. W. Mason of Rock Island who has visited his old home at Bentonport and returning to Rock Island, stopped off between trains to meet his old friends. He is a brother of ex-senator Wm. Mason of Illinois and father of H. C. Mason now of California and formerly a hardware merchant of Eldon.

The funeral of G. W. Tharp, held three miles north of Eldon, took place Saturday afternoon at his home. Burial in Ashland cemetery. Services were performed by Rev. McNair an old friend, assisted by Rev. Coggeshall of Eldon. Mr. Tharp was 72 years and 9 months old.

Miss Willis Snider, formerly of Eldon, but now of Dixon, Cal., is visiting her relatives and friends in and near Eldon. She will make an extended stay.

Mrs. Midau and daughter Ruth left Saturday for an extended visit in Denver and surrounding places of interest with relatives. Mr. Midau left the same day to visit his mother at Sigourney.

Preston Craif, formerly of Eldon and who now resides at Eldorado, Ark., arrived Saturday to visit his sister.

Freight Fireman McKessop of Trenton, was overcome with the heat Saturday afternoon and on arriving at Eldon everything was done for him that could be and he was returned to his home Saturday night. Just how bad his condition is cannot be found at present.

The family of Dale Brooks are on the sick list. Mrs. Brooks is a little better, but the daughter is threatened with typhoid.

H. C. Vass and family spent Sunday with Mr. Vass' parents Mr. and Mrs. John C. Vass of Ashland.

The Congregational Christian Endeavor society will serve an ice cream and cake social at the home of Edward Shore this evening.

The Congregational church and Sunday school will have a picnic at the fair grounds on Friday next.

The Congregational All will meet with Mrs. Frank Weber Thursday afternoon on West Elm street.

Pig Attacks a Boy.

Clear Lake, July 19.—Attacked by an angry sow, Norman Wetmore, a 3-year-old son of James Wetmore of a former living north of here was nearly killed. The child got into the pen in some way when attacked. Its face and body was a mass of gashes and its clothing torn completely off. The boy was rescued by its mother.

CLAIMS STOCK LOSS OF \$639

VAN V. BALDWIN WANTS DAMAGES FROM ROCK ISLAND ROAD—OTHER CASES FILED.

Among the cases filed with the clerk of district court, are two in which titles are to be quitted, a divorce suit and a case of damages against the Rock Island railroad for the alleged delayed delivery of stock and sheep shipments which is claimed by the plaintiff to have resulted in heavy damage to him. The title of the latter petition is Van V. Baldwin vs. C. R. I. & P. Railway Co. Baldwin charges the railroad company with transporting four cars of stock cattle and two cars of breeding ewes from South St. Paul, Minn., to Selma. The time for delivery is said in the petition to have been thirty-six hours, but seventy-three hours is claimed was consumed in the transit. Suffering of the stock incident to the delay is made basis for the suit and damages in the sum of \$639 is prayed for.

Claiming that since their marriage, J. V. Adams has in violation of his marriage vows become a habitual drunkard, and that he has cruelly and inhumanly treated her, Drucilla C. Adams asks a divorce. John Van Rees vs. William Cents et al. and Manning & Epperson State Bank vs. The Unknown heirs, et al. or Thomas Downing are the titles of the suits for quieting of title.

BARRIER HANDS IN RESIGNATION

FIFTH WARD COUNCILMAN WILL GO TO SPOKANE ON ACCOUNT OF WIFE'S HEALTH.

A great surprise was sprung in the city council last night when Charles Barrier, alderman from the Fifth ward handed in his resignation to take effect August 1. Only a few of the members knew of his intentions until the resignation was read by City Clerk Deeds. All of the members of the council and Alderman Hartman, who presided as president of the alderman body, in short addresses expressed their regret at Mr. Barrier's action and praised him for his tireless energies in the interests of the city of Ottumwa. Alderman Barrier was called upon and made a few remarks. He declared that he regretted greatly that he had to sever his connections with the other members of the council but that he had to look for his own interests. Alderman Barrier stated that his wife's health was bad and the family physician had advised him to go west, and as his health was likewise poor he had to change locations. He will go to Spokane, Wash., where he will spend the winter. He has several offers awaiting him. Mr. Barrier for a number of years has been foreman of the foundry department of the Dain plant, one of the most important departments of one of Ottumwa's great enterprises. Who will succeed to Mr. Barrier's seat in the city council is not known. He will probably be appointed at the next meeting of the aldermanic body, which will be held Monday, August 2. Mayor Phillips, if he desires, can call a special meeting to name a successor. While the session of last night was a long drawn out one, no business of special importance was brought up.

BLOOMFIELD.

The Bloomfield Pirates accompanied by about thirty rooters went into the Lancaster Tigers' fair Sunday and brought off its pet winning 8 to 3. This was sweet revenge for the locals as the Tigers won a close game from them on the home grounds the Sunday before. On account of the absence of two of the regular players two others were secured from Ottumwa, Putnam and Cochrill. The Lancaster team was outthit and outplayed and never from the first inning had a chance to win.

Miss Edna Crisman, who attended the Normal visited over Sunday with her parents at West Grove.

Mrs. Jennie Horn spent the first of the week with friends in Moulton.

Grant Johnson and Rev. Pillsbury were the basket meeting at Monterey Sunday.

Miss Ruth Holstein of Moulton, who has been visiting her uncle J. P. Toombs, returned home Sunday.

Mr. and Mrs. Henry Stuart of Fairfield spent Sunday with their daughter Mrs. Ola Barton.

Frank Mast of Ottumwa visited on Sunday with his parents-in-law Wm. Miller and Mrs. Miller.

Mrs. Whitcomb who was called to Hillsdale, Mich. by the death of her father returned home Saturday.

A. Prof. Brown and Harry John Moring and Rev. Pillsbury were defeated in the tennis match Saturday at Moulton.

Marriage license was issued Saturday to Miss Ida M. Hargrove of near Coatsville, Mo., and Louis A. Burgher of Moulton.

Phillip Crow and Miss Clara Christy of White Elm were married Monday by Justice Kelsey.

Miss Edna Axtell of Kansas City, Mo., is visiting her sister Mrs. Frank Rominger.

Miss Helen Russell of Marshall, Mo., who has been visiting her uncle J. P. Collier left Monday for West Grove for a short visit.

Miss Nettie Everhart of Oskaloosa is visiting her aunt Mrs. Bell Rominger.

W. H. King of Des Moines spent Sunday with his wife who is staying with her mother Mrs. Woodford Owens.

The death of Mrs. Martha Gibson occurred Friday morning. Funeral services were held Monday afternoon conducted by Rev. F. B. Tucker. Interment in I. O. O. F. cemetery.

SAVE \$ \$ NOW

Doty Clothing Co.

Clean-Up Sale Offers Tremendous Price Reductions on High Grade Clothing for Men and Boys

Save 25 to 33 per cent on Men's Suits Now.

Doty Clothing Co.

209-211 East Main Street. Jerry Shea, Manager.

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The Only China Store.

Visitors Cordially Invited.

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H. W. Suechting,

Corner Washington and Second

"The Good Clothes Store"

MARTIN'S

The Green Front

214 East Main

MARGARET DAVIS WEDS GLENN GITHENS

A pretty wedding was solemnized at the home of Mr. and Mrs. D. C. Davis, eight miles north of Ottumwa, last Thursday evening at 8 o'clock when their daughter, Miss Margaret, was married to Glenn Githens. The ceremony was performed by Rev. Stanley Decker of the M. E. church at Kirkville. Miss Margaret, daughter of Hiteville, was the bride, rendered a very beautiful solo, "Melody of Love" and Miss Flo Jones of Beason played the wedding march from Lohengrin. Two little flower girls, cousins of the bride, led the march, followed by the bridal party. The ceremony was performed under an arch prettily made of asparagus and sweet peas and surrounded by potted plants. The bride was beautifully attired in a gown of cream lansdowne and carried a bouquet of bride's roses. The 100 guests present were served a two course wedding supper immediately following the congratulations.

The bride is a popular young woman and until recently was employed as stenographer with the G. G. Thomas Co., in this city. The groom is a prosperous young farmer. They will reside at the Githens' farm, where the groom has prepared a nicely furnished home. Many beautiful and useful presents attested to the popularity of the young couple. Guests from a distance were John X. Davis, grand-father of the bride, and two aunts, Misses Harriett and Ruth Davis of Scranton, Pa., Mrs. D. W. Davis and family of Hiteville, Mrs. Eckley and daughter Fern of Packwood, Miss Flo Jones of Beason and Miss Bernice Parcell of Oskaloosa.

The first of the week at the W. C. Ingerson home in Pulaski.

Mrs. H. Anand of Des Moines passed through this city Monday on her way to Milton.

R. M. Gibson and wife of Des Moines attended the funeral of his mother Mrs. Martha Gibson Monday.

Society People Poisoned.

Boone, July 19.—A score of the members of the Golf and Country club all society people of the city, are suffering from ptomaine poisoning from eating pressed chicken. Several were violently ill. The physicians called feared for a time that some would not recover. All are now improving and no fatalities are likely to result.

Mule Loses Three Feet.

Lake City, July 19.—While engaged in mowing hay, James Bruce of Lake City, suffered an accident which cost him a valuable mule. The mule he was driving became frightened at something and ran away. In running about the field they crossed the sickle bar of another mower that was cutting in the same field, with the result that three of one mule's feet were cut off. Mr. Bruce escaped without injury.

Dr. W. E. Shallenberger,

3866 Lake Ave., Chicago.

Reference: Drexel State Bank.

Cures permanently the cases he undertakes and sends the incurable home without taking a fee from them. This is why he continues his visits from year to year, while other doctors have made a few visits and stopped. Dr. Shallenberger is an eminently successful specialist in all chronic diseases, proven by the many cures effected in chronic cases which have baffled the skill of all other physicians. His hospital experience and extensive practice have made him so proficient that he can name and locate a disease in a few minutes.

Treats all cases of Catarrh, Nose, Throat and Lung Diseases, Eye and Ear, Stomach, Liver and Kidneys, Gravel, Rheumatism, Paralysis, Neuralgia, Nervous and Heart Diseases, Blood and Skin Diseases, Epilepsy, Bright's Disease and Consumption in early stage, Diseases of the Bladder and Female Organs, Liquor and Tobacco habit, Stammering cured and sure methods to prevent its recurrence given. A never failing remedy for Big Neck.

PILES, FISTULA and RUPTURE guaranteed cured without detention from business. Special attention given to all Surgical cases and all diseases of the Eye, Ear, Nose and Throat and Granulated Lids.

NERVOUS DEBILITY. Are you nervous and despondent, weak and debilitated; tired mornings; no ambition—lifeless; memory poor; easily fatigued; excitable and irritable; eyes sunken, red and blurred; pimples on face; dreams, restless, haggard looking; weak back; deposit in urine and drains at stool; distrustful; want of confidence, lack of energy and strength?

DISEASES OF MEN AND PRIVATE DISEASES A SPECIALTY. Blood Poison, Spermatorrhea, Varicocele, Hydrocele, Debility, Nervousness, Dizziness, Detestive Memory, etc., which ruins mind and body, positively cured.

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